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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,626	06/10/2005	Alexander Cornelis Geerlings	NL 021285	8943

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EXAMINER	
AHMED, HAMDY S	
ART UNIT	PAPER NUMBER
2188	
MAIL DATE	DELIVERY MODE
12/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,626	GEERLINGS ET AL.	
	Examiner	Art Unit	
	HAMDY S. AHMED	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al (US 6,424,606 B1, Okazaki hereinafter), in view of Kimura (patent No: 4,831,449, Kimura hereinafter).

AS to claims 1 and 17 Okazaki teaches a method of operating a storage device sensitive to vibrations in an environment with a source of vibrations (see abstract 10), characterized in that the method comprises the following acts: monitoring the performance of the storage device (by detecting the vibration the tricking subsystem is disabled in doing so, the storage performance is managed see abstract 6-10), and when the performance of the storage device decreases below a pre-determined level taking action to reduce the influence of vibrations generated by the source of vibrations (when the performance decreases below a predetermined level the vibration detector disable the subsystem due to the action it was taken see column 6, lines 16-26). But Okazaki doesn‘t teach where the performance of the storage device includes at least one of sound production, access time of the storage device, data rate, and data storage rate. However, Kimura teaches that the performance of the storage device includes at least one of sound production, access time of the storage device, data rate, and data storage rate (e.g., see column 3, lines 58-67 and column 4, lines 1-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Okazaki by

adopting the teaching of Kimura to include sound production as far as the storage performance is concerned, for the reason that such vibration, noise, or distortion may appear in the picture, particularly when the vibration are generated in the VTR5.

As to claim 2, Okazaki discloses wherein the performance of the storage device is indicated by statistics of the output sound produced as a result of accessing the storage device and wherein the action comprises an act of reducing a component of the output sound (e.g., see column 1, lines 13-21 and column 7, lines 1-14).

As to claim 3, Okazaki discloses wherein the performance of the storage device is indicated by an average bit-rate of the storage device (completing this operation reduces the vibration see column 5, lines 1-19).

As to claim 4, Okazaki discloses wherein the action comprises an act of providing a message to a user to reduce the vibrations (see column 6 lines 1-15)

As to claims 5, Kimura discloses wherein the source of vibrations is the first loudspeaker, and the loudspeaker and the storage device comprised in the same housing (e.g., see figure 2, elements 4B and 4A are loudspeaker in the same housing); wherein the action comprises an act of switching sound reproduction from the first loudspeaker to a second loudspeaker that is remote from the storage device (e.g., see column 4, lines 31-54)

As to claim 6, Okazaki discloses wherein the source of vibrations is a loudspeaker and the action comprising an act of reducing the volume of the sound produced by the loudspeaker (see figure 2 element 14, and element 32).

As to claim 7, Okazaki discloses wherein when the performance decreases below the pre-determined level and the environmental temperature of the storage device is above a further pre-determined level, no action is taken (see column 6, lines 16-62).

As to claim 8 Okazaki discloses wherein (a) the housing is a consumer electronics apparatus (see column figure3); (b) the storage device is arranged to record an incoming stream of audio-visual data (see column 5, lines 35-51); the consumer electronics apparatus is arranged to reproduce the incoming stream of audio-visual data by means of a screen and the loudspeaker (see column 2, lines 1-19); and wherein the method comprises the following acts: storing the incoming stream of audio-visual data on a disk by the storage device; and reproducing the stored stream of audio-visual data stored on the disk by means of a screen and loudspeaker to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data

As to claim 9, Okazaki discloses wherein the action to reduce the influence of vibrations generated by the source of vibrations comprises an act advising a user to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data (a devising the host to tray different function is equivalent to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data see column 5, lines 57-67)

As to claim 10 Okazaki wherein the housing is a consumer electronics apparatus arranged to reproduce audio-visual data (see figure 3); second loudspeaker is not contained in the consumer electronics apparatus, second loudspeaker being connected to the consumer electronics apparatus; and the action comprises acts of : reducing reproduction of the audio-visual data through the first loudspeaker contained in the consumer electronics apparatus; and starting or increasing reproduction of the audio-visual data through the second loudspeaker (see column 7 lines 1-20).

As to claim 11, Kimura discloses wherein: the source of vibrations is comprised by a first apparatus and the storage device is comprised by a second apparatus; the first and the second apparatus are connected by a network link; and the action comprises an act of controlling the

first apparatus by reducing the power of the vibrations caused by the source of vibrations (e.g., see column 3, lines 21-45).

As to claim 12, Okazaki discloses wherein a further lower pre-determined level replaces the pre-determined level when the performance of the storage device is below the predetermined level during a pre-determined period (see column 6, lines 16--35).

As to claim 13, Okazaki discloses wherein the vibrations are vibrations in a structure monitoring the performance of the storage device comprises an act of keeping statistics on the performance of the storage device and the action is performed when the statistics drop below the predetermined level (see column 8, lines 65-67, and column 9, lines 1-10).

As to claim 14 Okazaki discloses wherein the vibrations are access time of the storage device, median access time of the storage device (e.g., see column 2, lines 25-40), standard deviation of the access time of the storage device, and average bit-rate of the storage device (e.g., see column 6, lines 42-56).

As to claim 15, Okazaki discloses wherein the storage device is a disk drive (see column 3, lines 66-67 and column 4, lines 1-10).

As to claim 16 Okazaki discloses, wherein the action comprising an act of halting activities related to the storage device other than storage and retrieval of audio-visual data (see column 4, lines 40-65).

As to claim 18, Okazaki discloses Consumer electronics apparatus comprising: means for receiving a stream of audio-visual data (see figure 3); (a storage device arranged to store the stream of audio-visual data on a disk; (a source of vibrations; circuit for controlling the storage device (figure 3 includes circuit to control

the storage device and vibration source detector which is element 190)

As to claim 19, Okazaki wherein the source of vibrations is a disk drive arranged to spin a disk in operation (see column 3, lines 65-67 and column 4, lines 1-10).

As to claim 20, Kimura discloses wherein the source of vibrations is a loudspeaker (e.g., see column 1, lines 30-49).

Response to the argument

Applicant's arguments with respect to claim1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMDY S. AHMED whose telephone number is (571)270-1027.

The examiner can normally be reached on M-TR 7:30-5:00pm and Every 2nd Friday 7:30-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-4199. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/
Supervisory Patent Examiner, Art Unit 2188
12/22/08
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